

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NOEL CINTRON,

Plaintiff,

v.

TRUMP ORGANIZATION LLC a/k/a TRUMP
CORPORATION and TRUMP TOWER
COMMERCIAL LLC,

Defendants.

Case No. 1:18-cv-6921

NOTICE OF REMOVAL

TO: Clerk of the Court
United States District Court
for the Southern District of New York

PLEASE TAKE NOTICE that Defendants TRUMP ORGANIZATION LLC and TRUMP TOWER COMMERCIAL LLC (“Defendants”), by their attorneys, Seyfarth Shaw LLP, and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446(a), hereby file this Notice of Removal to remove the action identified as Cintron v. Trump Organization LLC and Trump Tower Commercial LLC, Index No. 653424/2018 (the “State Court Action”), from the Supreme Court of the State of New York, New York County, to the United States District Court for the Southern District of New York. In support of this Notice of Removal, Defendants state as follows:

Timeliness of Removal

1. On July 9, 2018, Plaintiff Noel Cintron (“Plaintiff”) filed a Summons and Complaint (the “Complaint”) with the Clerk of the Supreme Court of the State of New York, New York County. A true and correct copy of the Summons and Complaint is attached to this Notice as **Exhibit A**.

2. On July 12, 2018, Plaintiff, via a process server, served a copy of the Summons and Complaint on the Secretary of State for the State of New York, County of Albany. A true and correct copy of the Affidavit of Service is attached to this Notice as **Exhibit B**.

3. Defendants have not filed any pleadings in the State Court Action.

4. Exhibits A and B constitute the copies of all process, pleadings, and orders served upon Defendants in the State Court Action, as required by 28 U.S.C. § 1446(a).

5. Because Defendants have filed this Notice of Removal within thirty (30) days of service of the Complaint, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

Basis for Removal

6. The grounds for the removal of the State Court Action are as follows:

a. This is a civil action in which the United States District Courts have been given original jurisdiction in that this action arises under the laws of the United States within the meaning of 28 U.S.C. § 1331.

b. Specifically, Plaintiff's Complaint alleges that Defendants violated a federal statute, the overtime wage provisions of the federal Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* Plaintiff also alleges that Defendants violated New York state overtime law.

c. The other claims for relief asserted by Plaintiff in the Complaint all arise out of the same set of facts and are part of the same case and controversy, so that this Court has supplemental jurisdiction of them within the meaning of 28 U.S.C. § 1367. Therefore, this is an action over which this Court would have had original jurisdiction had it been filed initially in this Court, and removal to this Court is proper under 28 U.S.C. § 1441(a).

7. This Notice of Removal is being filed in the United States District Court for the Southern District of New York, the district within which the State Court Action is pending, as required by 28 U.S.C. § 1441(a) and 1446(a).

8. Pursuant to 28 U.S.C. § 1446(d), Defendants will file written notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, with the Clerk of the Supreme Court of the State of New York, New York County. Defendants will also serve a copy of the notice filed with the Supreme Court of the State of New York on counsel for Plaintiff.

9. By filing this Notice of Removal, Defendants do not waive any objections they may have to service, jurisdiction, or venue, and any other defenses available to them at law, in equity, or otherwise.

WHEREFORE, Defendants respectfully request that the State Court Action be removed to the United States District Court for the Southern District of New York.

Dated: New York, New York
August 1, 2018

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ Howard M. Wexler

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Attorneys for Defendants
TRUMP TOWER COMMERCIAL LLC and
TRUMP ORGANIZATION LLC

CERTIFICATE OF SERVICE

I, Howard M. Wexler, hereby certify that on August 1, 2018, I electronically filed the foregoing **NOTICE OF REMOVAL, WITH EXHIBITS A AND B**, with the Clerk of the Court via the Court's CM/ECF system, and served true and correct copies of the foregoing documents via Federal Express, priority overnight, upon counsel for Plaintiff at the following address of record:

Larry Hutcher, Esq.
Josh Krakowsky, Esq.
Davidoff Hutcher & Citron LLP
605 Third Avenue, 34th Floor
New York, NY 10158

Attorneys for Plaintiff

/s/ Howard M. Wexler
Howard M. Wexler